BILL NO. S-86-03-32

SPECIAL ORDINANCE NO. S- 62-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana to delete Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" in its entirety.

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Chapter 4 of the Fort Wayne Muncipal Code entitled "Air Pollution" has been reviewed by its enforcing agent, the Allen County Board of Public Health; and

WHEREAS, Chapter 4 of the Fort Wayne Muncipal Code entitled "Air Pollution" has been determined to be no longer under the jurisdiction of the Allen County Board of Public Health; and

WHEREAS, Chapter 4 of the Fort Wayne Muncipal Code entitled "Air Pollution" has been determined to now be covered under State law and under the jurisdiction of the State Board of Public Health:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 4 of the Fort Wayne Muncipal Code entitled "Air Pollution" is now deleted in its entirety.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the mayor.

Mark E. Giaquinta

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY

Stanley A. Levine
Attorney for Common Council

Read the first time in full and on motion by Gia Quinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee Ad Hoc (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S

DATE: 3-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA				✓	
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 4-8-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (SPECIAL) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. S-62-86 on the 8th day of April, 19 86,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 19 86, at the hour of 1:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of April, 19 86, at the hour of 10 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

Chapter 4

AIR POLLUTION*

§ 4-1. Emission of dense smoke, noxious gases, etc., declared nuisance.
§ 4-2. Standard for grading density of smoke.
§ 4-3. Stationary plant violations.
§ 4-4. Locomotive and vehicle violations.
§ 4-5. Emission of noxious gases, dust, soot, etc.
§ 4-6. Furnaces fired by overfeed, spreader stokers, etc.

Sec. 4-1. Emission of dense smoke, noxious gases, etc., declared nuisance.

The emission of dense smoke within the limits of the city from any chimney or smokestack of any building, derrick, pile driver, locomotive, or any other machine or contrivance, or from any tar kettle, kiln, or open fire, and the emission of foul, noxious gases or fumes, or ash, dust, soot or cinders into the open air in such quantities as to cause injury or annoyance to the public or to have a natural tendency to do so, are hereby declared to be public nuisances. (Ord. 2325, § 1)

Sec. 4-2. Standard for grading density of smoke.

The Ringelmann's scale for grading the density of smoke, published by the bureau of mines of the United States department of the interior, is hereby adopted as the standard and scale for determining the density of smoke, and such scale is hereby made a part of this chapter. (Ord. 2325, § 2)

Sec. 4-3. Stationary plant violations.

Any person who shall cause or permit the emission of smoke within the city from any chimney or smokestack of any building, derrick, pile driver, or any other machine or contrivance, or from any tar kettle, kiln or open fire of a density greater than No. 2

*State law reference—Authority of city to prevent air pollution, IC 1971, § 18-1-1.5-12.

Cross references—Business regulations generally, Ch. 7; health and sanitation, Ch. 14; dust prevention where loss used for business, § 18-15.

smoke as shown by the Ringelmann's scale, as adopted in the preceding section, shall be deemed guilty of a violation of this chapter, and upon conviction shall be subject to the penalty provided for in section 1-8; provided, that this section shall not apply to private residences; provided, that this section shall not apply when such smoke is emitted for periods aggregating not more than six (6) minutes in any one hour, when a new fire is being built, or the fire grates or fire pots are being cleaned, or the smoke is due to a break down of equipment so as to make such emission of smoke not reasonably preventable. (Ord. 2325, § 3)

Sec. 4-4. Locomotive and vehicle violations.

Any person, who shall cause or permit the emission of any smoke within the city from any locomotive or other vehicle, whether standing or in motion, of a density greater than No. 2 smoke, as shown by the Ringelmann's scale, as adopted in section 4-2, for more than one minute in any fifteen-minute period, shall be deemed guilty of a violation of this chapter, and upon conviction shall be subject to the penatly provided for in section 1-8; provided, that this section shall not apply when a new fire is being built, or the fire grates or fire pots are being cleaned, or the smoke is due to a break down of equipment so as to make such emission of smoke not reasonably preventable. (Ord. 2325, § 4)

State law reference—Preventing smoke from escaping from motor vehicles, IC 1971, § 9-8-6-36.

Sec, 4-5. Emission of noxious gases, dust, soot, etc.

Any person who shall cause or permit the emission or escape of any foul or noxious gases or fumes, or ash, dust, soot, or cinders into the open air in such quantities as to cause injury or annoyance to the public or damage to any property or to have a natural tendency to do so shall be deemed guilty of a violation of this chapter, and upon conviction shall be subject to the penalty provided for in section 1-8. (Ord. 2325, § 5)

Sec. 4-6. Furnaces fired by overfeed, spreader stokers, etc.

It shall be unlawful to permit any furnace fired by overfeed or spreader stokers or pulverized coal burners or any similar devices to release heat in excess of thirty thousand (30,000) British

thermal units per cubic foot per hour, and any person violating this section shall be subject to the penalty provided for in section 1-8; provided, that this section shall not apply when such furnace is equipped with an improved fly-ash collector and such releases of heat do not exceed sixty thousand (60,000) British thermal units per cubic foot per hour. (Ord. 2325, § 6)

BILL NO. S-86-03-33

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974 TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) of the Common Council of the City of Fort Wayne, Indiana to delete Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" in its entirety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

YES

NO

CONCURRED IN 4-8-86

SANDRA E. KENNEDY
CITY CLERK